

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

SOUTH CAROLINA DEMOCRATIC PARTY;
DCCC; and DSCC,

Plaintiffs,

v.

MARCI ANDINO, in her official capacity as Executive Director of the South Carolina State Election Commission; JOHN WELLS, in his official capacity as Chair of the South Carolina State Election Commission; and CLIFFORD J. EDLER, HAROLD E. FAUST, and SCOTT MOSELEY, in their official capacities as members of the South Carolina State Election Commission,

Defendants.

Case No. 3:19-cv-03308-JMC

**PLAINTIFFS' UNOPPOSED MOTION
AND MEMORANDUM IN SUPPORT
OF THEIR UNOPPOSED MOTION TO
VOLUNTARILY DISMISS THIS
ACTION**

Pursuant to 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiffs move, by and through their counsel of record, to voluntarily dismiss this action and for the Court to enter an order consistent with the terms outlined in this motion and contained in the attached proposed order. Defendants do not oppose this motion. D.S.C. Local Rule 7.02.

The facts of this case are straightforward. South Carolina is in the extreme minority of states that require their citizens to disclose their full, nine-digit social security number ("SSN") on voter registration applications. (ECF No. 1 ¶ 2 (citing S.C. Code Ann. § 7-5-170)). If a citizen chooses not to disclose their full SSN, their application will be denied, and that person will not be registered or able to vote in an upcoming election. South Carolina's full SSN disclosure requirement has posed a serious obstacle to Plaintiffs' voter registration efforts in an age when

Americans are increasingly (and understandably) unwilling to provide even governmental entities with their full SSN.

Plaintiffs filed this action on November 25, 2019 and asserted that South Carolina's full SSN disclosure requirement violated both the U.S. Constitution and the Civil Rights Act. (ECF No. 1.) After consenting to Defendants' two requests for an extension of time to file an answer, ECF No. 28, Plaintiffs requested a conference pursuant to D.S.C. Local Rule 7.02 to discuss the motion for preliminary injunction that they had drafted and planned to file.

On January 6, 2020, the parties held a Rule 7.02 conference. During that conference, Defendants represented that they would be amenable to a settlement that would require only the last 4 digits of the SSN on the voter registration form. In the spirit of Rule 7.02 and in the interest of judicial economy, Plaintiffs agreed to postpone filing their motion for a preliminary injunction. Over the subsequent ten days, the parties engaged in communications regarding the technicalities of a proposed settlement.

On January 16, 2020, Defendants filed a letter to the Court from Robert D. Cook, the South Carolina Solicitor General. (ECF No. 24.) This letter to the Court updated the Attorney General's prior interpretation of S.C. Code Ann. § 7-5-170 to require only the last four digits of the SSN for voter registration purposes.

In light of this updated interpretation, the parties agreed to the following terms:

- 1) Within thirty days of the date of an order granting this motion, the South Carolina Election Commission will instruct the county boards of election to accept mail-in voter registration applications that include only the last four digits of an applicant's SSN and update their trainings accordingly;
- 2) Within thirty days of an order granting this motion that the downloadable, mail-in registration form will be updated to reflect that applications containing only the last four digits of an applicant's SSN will be accepted;
- 3) The parties agree to bear their own fees and costs incurred in reaching this agreement; and

- 4) This Court shall retain jurisdiction through the November 2020 election to revisit these matters should Defendants fail to accept the voter registration of applicants who provide the last four digits of their SSN.

CONCLUSION

For all of these reasons, Plaintiffs respectfully request that the Court enter an order dismissing this action in a manner consistent with the above-mentioned terms. Defendants do not oppose this motion. Pursuant to the Court's preferences, a copy of the attached proposed order will be emailed to the Court in MS Word and PDF formats.

Dated this 16th day of January, 2020.

Respectfully submitted,

/s/ Christopher J. Bryant

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